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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/081,101

02/20/2002

Tom S. Chiu

US 028012

2879

7590

02/09/2006

Corporate Patent Counsel;  
Philips Electronics North America Corporation  
580 White Plains Road  
Tarrytown, NY 10591

EXAMINER

SHAW, PELING ANDY

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,101	<b>Applicant(s)</b> CHIU, TOM S.	
	<b>Examiner</b> Peling A. Shaw	<b>Art Unit</b> 2144	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Supplementary amendment received on 11/14/2005 has been entered. The applicant has remarked that the cited reference, i.e. Hoshen, Gideon et al. (EP 1 231 790 A2), has a publication date on August 14, 2002. However, Hoshen has claimed a US priority dated February 13, 2001. Thus it satisfies 35 U.S.C. 102(e) requirements for prior art. The corresponding US publication is also available as Hoshen et al. (US 20020154892 A1).
2. Amendment received on 11/09/2005 has been entered. Claims 1-12 are cancelled. Claims 13-28 are new. Claims 13-28 are still pending.

### ***Priority***

3. This application has no priority claim made. The filing date is 02/20/2002.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoshen et al. (US 20020154892 A1), hereinafter referred as Hoshen.

- a. Regarding claim 13, Hoshen disclosed a digital media distribution system (D: Fig. 1; paragraph 2: digital broadcasting of audio/video media items) (paragraph 3: digital

broadcast, Internet) for use with a data network (paragraph 3: digital broadcast, Internet) comprising: a content database for storing a plurality of digital media files (Fig. 1, paragraph 57: plurality of titles stored at a central management system); and a service area network in communication with the content database for receiving the plurality of digital media files via a first network connection, the service area network comprising (Fig. 1; paragraph 57: cable system), a hub for managing distribution of the plurality of digital media files (paragraphs 106-108: line extenders), at least one router in communication with the hub for delivering the plurality of digital media files via a second network connection (paragraph 83: management system slices titles and distributed accordingly to STB or SSTB), and at least one end-user system in communication with the at least one router configured to receive the plurality of digital media files via a third network connection (Fig. 4, paragraph 93: STB works with management system in receiving and distributed MPEG-2 multiplexed stream).

- b. Regarding claim 14, Hoshen disclosed the system of claim 13 wherein the hub comprises: a head-end control system for, selecting the at least one end-user system for distribution of the plurality of digital media files (paragraph 3: The subscriber's selection is transferred to centralized servers and disk farms that send the desired video to the specific set-top box 10.), testing the third network connection such that the third network connection is verified (paragraph 93: The STB 10 interacts with the equipments at the Central Management System 51. Please check that I am correct] by means of the RF Coax Cable 501, using an in-band or out-band interactive channel receiver 503.), selecting the at least one router corresponding to the selecting the at

- least one end-user system (paragraph 83: management system slices titles and distributed accordingly to STB or SSTB), and sending the plurality of digital media files to the selecting the at least one end-user system (Fig. 4, paragraph 93: STB works with management system in receiving and distributed MPEG-2 multiplexed stream); a look-up service for finding the plurality of digital media files (paragraphs 163-164: EPG is used for a request to view title); and a digital rights management service for authorizing distribution of the plurality of digital media files (paragraph 57: Furthermore, the central management system 51 comprises a billing sub-system and a conditional access sub-system for billing and title piracy prevention accordingly; paragraph 84: The recorded title is MPEG-2 compressed and encrypted using a standard off-the-shelf, Conditional-Access device).
- c. Regarding claim 15, Hoshen disclosed the system of claim 14 wherein the at least one end-user system is further configured to store the plurality of digital media files (paragraphs 95-104: SSTB).
  - d. Regarding claim 16, Hoshen disclosed the system of claim 15 wherein the plurality of digital media files stored on the at least one end-user system are not directly controllable by an end-user (paragraphs 66-67: sends a request for a selected title via an upstream interactive channel to the management system).
  - e. Regarding claim 17, Hoshen disclosed the system of claim 16 wherein the plurality of digital media files stored on the at least one end-user system are registered by the look-up service such that the plurality of digital media files are available for further

- distribution (paragraph 65: EPG; paragraph 85: the management system manages a database relating to each title, the address locations of its slices within SSTBs).
- f. Regarding claim 18, Hoshen disclosed the system of claim 13 wherein the at least one router utilizes host-intelligent dynamic routing algorithms (paragraph 83: management system slices titles and distributed accordingly to STB or SSTB; Fig. 4, paragraph 93: STB works with management system in receiving and distributed MPEG-2 multiplexed stream).
- g. Regarding claim 19, Hoshen disclosed the system of claim 13 wherein the data network is configured in a topology selected from the group consisting of: daisy chain topology, star topology, and ring topology (Fig. 1; paragraph 57: cable system).
- h. Regarding claim 20, Hoshen disclosed the system of claim 13 wherein the first network connection is selected from the group consisting of: a satellite connection, an Internet connection, a cable television connection, or a physical delivery service connection (Fig. 1; paragraph 57: cable system).
- i. Regarding claim 21, Hoshen disclosed the system of claim 16, wherein the plurality of digital media files stored on the at least one end-user system are stored on a storage device that is at least partially controllable by the end-user (paragraph 2: Tivo, DVR).
- j. Regarding claim 22, Hoshen disclosed the system of claim 16 further comprising a user-access profile database, the user-access profile data base configured to store access information for the at least one end-user system (paragraph 57: Furthermore, the central management system 51 comprises a billing sub-system and a conditional access sub-system for billing and title piracy prevention accordingly; paragraph 90:

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The Billing for each provided service is performed, for example, using off-the-shelf API. The Management System 57 outputs each viewing transaction to the billing system, which in turn respectively charges the subscribers.; paragraph 164: The Management System 57 registers the request (step 143) for billing, statistics, and maintenance purposes).

- k. Claims 23-28 are of the same scope as claims 13-18 and 21. These are rejected for the same reasons as for claims 13-18 and 21.

Hoshen disclosed all limitations of claims 13-28. Claims 13-28 are rejected under 35 U.S.C. 102(e).

***Response to Arguments***

5. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.



***Remarks***

6. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Safadi (US 5847751 A) CATV communication system remote hub for distribution of digital, analog, broadcast and interactive communications
- b. Hoffberg (US 6850252 B1) Intelligent electronic appliance system and method
- c. Hashimoto (US 6868550 B1) Conditional access system of CATV
- d. Dorricott et al. (US 20020087970 A1) Electronic media distribution

*Conclusion*

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

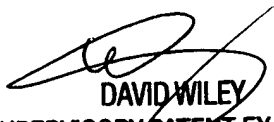
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100